

June 1, 2005

CERTIFICATE OF A VOTE

This is to certify that at a duly called and posted Annual Town Meeting of the Town of Middleton held on May 10, 2005, at which many more than a quorum of qualified voters were present, the Town adopted the following addition to the General By-Laws as Article 22:

Part Two - Prudential Affairs and Internal Police

Chapter V - Water Conservation

Section 2: Irrigation/Outside Watering

Preamble: The Middleton Board of Selectmen proposes the following By-law in an effort to promote water conservation, reduce seasonal water usage and attain the benchmark water consumption standard of 65 gallons of water per capita as required under the Modified Water Withdrawal Permit Number 9P-3-17-071.01, et. al, pursuant to the Water Management Act under Massachusetts General Laws Chapter 21G and governed by the Massachusetts Department of Environmental Protection. All Middleton residents that are either customers of the public water supply system or private well users shall be subject to this By-law in order to preserve and maintain the Ipswich Watershed Basin. All land within the Middleton municipal boundaries drain to the Ipswich Watershed Basin and are thus part of said basin.

Subsection (a): Irrigation/ Outside Water Usage

This By-law is in effect from May 1st to September 30th of each year. This time period may be extended or decreased by majority vote of the Board of Selectmen, as they deem necessary, taking various conditions into consideration, including but not limited to weather, protection of both the Town's water supply and the Ipswich Watershed Basin and compliance with Commonwealth regulations.

This By-law is automatically superseded in the event of a declaration of a State of Water Supply Conservation or a State of Water Supply Emergency, described in the Water Use Restriction By-Law.

It is unlawful to undertake outside watering of vegetation between the hours of 8:00 AM to 7:00 PM using town water or private well water through a sprinkler or lawn irrigation system.

All water hoses shall be controlled by a nozzle or other device used to regulate the flow of water leaving the hose. No use of an open-ended hose will be permitted with the exception of filling or topping off of swimming pools.

All outside spigots, especially those used for filling pools or applying chemicals through hose attachments shall be retrofitted with an anti-siphon device to prevent back-siphonage onto the public water supply or the household water supply within 6 (six) months from the date of enacting this By-law.

All new automatic underground irrigation systems shall have moisture sensors installed as part of the system to prevent unnecessary watering. All existing automatic underground irrigation systems shall have moisture sensors installed as part of the system within 3 (three) years from the date of enactment of this By-law.

Subsection (b): Penalties

First Violation: The Department of Public Works will deliver a copy of the By-law to the offending water user and record such violation for both future reference and/or violations.

Second Violation: Any person violating this By-law for a second time in a calendar year shall be liable to the Town of Middleton in the amount of \$50.00.

Third and Subsequent Violations: Any person violating this By-law for the third or subsequent time in a calendar year shall be liable to the Town of Middleton in the amount of \$100.00 for each violation.

Fines shall be recovered by indictment, or on complaint before the Salem District Court, or by non-criminal disposition in accordance with Section 21D of Chapter 40 of the Massachusetts General Laws. Each day of violation shall constitute a separate offense

Attest, a True Copy,

Sarah B. George
Town Clerk